

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

**INFORMATION DISCLOSURE
STATEMENT**

Docket Number:
11411/115

Application Number
09/482,688

Filing Date
January 13, 2000

Examiner
Frank I. Choi

Art Unit
1616

Invention Title
**FOOD SUPPLEMENT FOR INCREASING LEAN
MASS AND STRENGTH**

Inventor(s)
Paul T. Gardiner et al.

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail with sufficient postage
in an envelope addressed to: Commissioner for Patents, Alexandria
VA 22313-1450 on

Date: December 24, 2003

Signature: *John F. Resek*
John F. Resek (Reg. No. 52,162)

RECEIVED
JAN 07 2004
TECH CENTER 1600/2900

Sir:

1. In accordance with the duty of disclosure under 37 C.F.R. § 1.56 and in conformance with the procedures of 37 C.F.R. §§ 1.97 and 1.98 and M.P.E.P. § 609, attorneys for Applicants hereby bring the attached references to the attention of the Examiner. These references are listed on the attached modified PTO Form No. 1449. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.
2. The filing of this Information Disclosure Statement and the enclosed PTO Form No. 1449, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b).
3. A copy of each reference cited is enclosed.

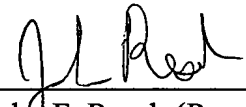
01/06/2004 RHARIS1 00000023 110600 09482688

01 FC:1406 180.00 DA

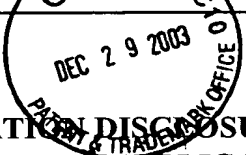
4. The Commissioner is hereby authorized to charge payment of the 37 C.F.R. §1.17(p) (submission of an information disclosure statement under §1.97(c)) fee of **\$180.00** and any additional fees that may be required to the deposit account of **Kenyon & Kenyon**, deposit account number **11-0600**.

Dated: Dec 24, 2003

By: _____


John F. Resek (Reg. No. 52,162)

KENYON & KENYON
One Broadway
New York, N.Y. 10004
(212) 425-7200 (telephone)
(212) 425-5288 (facsimile)

 <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT PTO-1449</p>	DOCKET NO. 11411/115	SERIAL NO. 09/482,688
	APPLICANT Paul T. Gardiner et al.	
	FILING DATE January 13, 2000	GROUP 1616

U. S. PATENT DOCUMENTS

EXAMINER INITIAL	PATENT NUMBER	PATENT DATE	NAME	CLASS	SUBCLASS	FILING DATE
	5,902,829	May 1999	Schneider et al.			
	5,891,441	Apr 6, 1999	Diaz et al.			
	5,744,157	Apr 1998	Droge			
	5,324,656	Jun 1994	Ham et al.			
	5,124,360	Jun 1992	Larner et al.			
	4,710,387	Dec 1997	Uiterwaal et al.			
	6,051,236	Apr 2000	Portman			
	6,117,872	Sep 2000	Maxwell et al.			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	1201599	Dec 16, 1998	China			abstract	
	60054321	Mar 28, 1985	Japan			abstract	
	63109736	May 14, 1988	Japan			abstract	
	63310827	Dec 19, 1988	Japan			abstract	

OTHER DOCUMENTS

EXAMINER INITIAL		AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.
		Haglund, C. et al., Effects of caffeine containint energy drinks, International Food Information Service (IFIS) Frankfurt/Main, Germany & Scandinavian Journal of Nutrition 43 (4) 169-175 1999 Sports Club, Stavgrand 16, 129 48 Hagersten, Sweden. Abstract
		Beltz, Susan Durden et al., Efficacy of nutritional supplements used by athletes, Biosciences Information Service, Philadelphia, Pennsylvania, 1993; & Clinical Pharmacy, vol. 12, no. 12, 1993, pp. 900-908. Abstract
		Williams, Melvin H., Nutritional ergogenics in athletics. Biosciences Information Service, Philadelphia, Pennsylvania, 1995; & Journal of Sports Sciences, vol. 13. No. Spec. Issue 1995, pp. S63-S74. Abstract
		STN/CAS online, file CAPLUS, Acc. No. 1977:136948, Doc. No. 86:136948, (Jablecki et al., '[3H] inositol incorporation into phosphatidyl-inositol in work-induced growth of rat muscle,' Am. J. Physiol. (1977), 232(3), pp. E324-E329), Abstract.

EXAMINER INITIAL		AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.
		STN/CAS online, file CAPLUS, Acc. No. 1982:422587, Doc. No. 97:22587, (Doi et al., Int. Congr. Ser. - Excerpta Med. (1982), 549 (Genet. Environ. Interact. Diabetes Millitus), pp. 306-312), Abstract
		STN/CAS online, file CAPLUS, Acc. NO. 1993:52165, Doc. No. 118:52165, (Kim et al., 'Ginsenosides protect pulmonary vascular endothelium against free radical-induced injury,' Biochem. Biophys. Res. Commun. (1992), 189(2), pp. 670-676, Abstract
		STN/CAS online, file CAPLUS, Acc. No. 1978:131042, Doc. No. 88:131042 (Kolla et al., Izuch, Biol. Deistivya Prod. Org. Sint. Prir. Soedin (1976), pp. 116-121), Abstract
		STN/CAS online, file NLDB, Acc. No. 1998:136677, ("FDA displays premarket notifications for new ingredients, pinitol and DHA-rich oil," Food Chemical News (1998), Vol. 40, No. 7), Abstract

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	